

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

ENTERED

JUN 10 2008

MICHAEL C. BRIDGES,

Plaintiff,

vs.

TOM HANLON, et al.,

Defendants.

U.S. CLERK'S OFFICE
INDIANAPOLIS, INDIANA

1:08-cv-580-DFH-WTL

ENTRY

The complaint in this civil rights action brought by an Indiana prisoner was dismissed in a Judgment entered on the clerk's docket on May 19, 2008. The disposition was compelled after the court screened the complaint as required by 28 U.S.C. § 1915A, pursuant to which "[a] complaint is subject to dismissal for failure to state a claim if the allegations, taken as true, show that plaintiff is not entitled to relief." *Jones v. Bock*, 127 S. Ct. 910, 921 (2007).

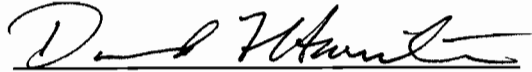
The entry of judgment described above has been followed with the filing of the plaintiff's *motion to alter the judgment* (dkt 8). This post-judgment motion was signed by the plaintiff on May 30, 2008. Because this was within the first 10 working days after the entry of judgment on the clerk's docket, and because all such motions are to be treated as motions based on Rule 59, "no matter what nomenclature the movant employs," *Lac du Flambeau Band of Lake Superior Chippewa Indians v. Wisconsin*, 957 F.2d 515, 517 (7th Cir. 1992), the post-judgment motion here is properly labeled.

"[A] Rule 59(e) motion 'must clearly establish either a manifest error of law or fact or present newly discovered evidence.'" *LB Credit Corp. v. Resolution Trust Corp.*, 49 F.3d 1263, 1267 (7th Cir. 1995) (quoting *FDIC v. Meyer*, 781 F.2d 1260, 1268 (7th Cir. 1986)); *see also Sigsworth v. City of Aurora, Ill.*, 487 F.3d 506, 511-12 (7th Cir. 2007).

There was in this case no newly-discovered evidence, there was no intervening change in the law, and there was no manifest error of law in either the fact that only the amended complaint was addressed or the fact that it was found to be legally insufficient. *See Russell v. Delco Remy Div. of General Motors Corp.*, 51 F.3d 746, 749 (7th Cir. 1995). Indeed, the plaintiff seeks the dismissal of the action without prejudice, but the fact is that the case was dismissed without prejudice. The plaintiff's post-judgment motion does not

damages under these circumstances could not go forward. Accordingly, the plaintiff's motion to alter judgment (dkt 8) is **denied**.

So ordered.



DAVID F. HAMILTON, Chief Judge
United States District Court

Date: JUN 10 2008

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